

## **Ruling**

This ruling pertains to the “motion for entry of protective order” (“Motion”) filed with the Illinois Commerce Commission (“Commission”) by Interstate Power and Light Company (“IPL”), and to IPL’s response filed December 30, 2002 (“Response”) to a notice issued December 23, 2002 regarding that motion.

In paragraph 4 of its Response, IPL refers to “Staff Data request DB 3.2 and DB 4.1 that contain information relating to the bid evaluation process.” The parties are hereby advised that the portion of the Motion requesting confidential treatment beyond that granted by the “Iowa Utilities Board” (“IUB”) is deemed, by this ruling, to be limited in scope to the “information relating to the bid evaluation process” contained in those two data requests (“Subject DRs”).

The parties are further advised that the remainder of IPL’s request for confidential treatment is deemed, by this Ruling, to be limited in scope to information contained in Volumes III and V from IUB Docket RPU-02-6 and Volume II from IUB Docket GCU-02-2.

In addition, for purposes of clarification, IPL is directed to file a supplemental response containing the information requested below. This supplemental response shall be filed on or before January 8, 2003. Copies thereof shall be served electronically on the Commission Staff and on Steve Hickey and Larry Jones of the Commission by 5:00 P.M. on that date.

- Please indicate whether proprietary treatment for the “information relating to the bid evaluation process” contained in the Subject DRs was sought before the IUB.
- Please indicate whether the “information relating to the bid evaluation process” contained in the Subject DRs was provided to any other parties in the two dockets before the Iowa Utilities Board cited by IPL. If so, please indicate whether such information was marked confidential.

The parties are reminded that under Section 200.430(d) of the Commission’s Rules of Practice, “A public redacted version of each document submitted pursuant to this section must also be submitted with the proprietary version.” A public version consisting entirely of a cover sheet entitled “Confidential ... Exhibit [XXX] Omitted” will not be deemed to constitute “a public redacted version of [that] document” for purposes of complying with Section 200.430(d).

If there are portions of the confidential version of Staff’s upcoming testimony filing that Staff believes should not continue to be treated as confidential, Staff may, at its option, identify those portions at the time of its testimony filing. Staff does not need to provide any reasons for challenging the confidential designation of any such information. Rather, IPL will bear the burden of justifying the confidential treatment of such information. If Staff does not opt to challenge the confidential designation of such

information at the time of its testimony filing, Staff will not waive its right to continue to oppose IPL's Motion.

Subject to the rulings set forth above, documents marked confidential by IPL pursuant to its Motion shall, pending further rulings, be afforded confidential treatment.